

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

*IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION*

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-21)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

DIST. DIV. C.A. #CASE CAPTION

NEW YORK NORTHERN

NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.

NEW YORK WESTERN

NYW 1 05-214	County of Chautauqua v. Abbott Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.

**U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Albany)
CIVIL DOCKET FOR CASE #: 1:05-cv-00478-TJM-RFT**

County of Saratoga v. Abbott Laboratories, Inc. et al
Assigned to: Judge Thomas J. McAvoy
Referred to: Magistrate Judge Randolph F. Treece
Cause: 42:1396 - Tort Negligence

Date Filed: 04/19/2005
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

County of Saratoga

represented by **Aaron D. Hovan**
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ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Purepac Pharmaceutical Co.

Defendant

Amgen, Inc.

Defendant

Immunex Corp.

Defendant

Andrx Corp.

Defendant

Astrazeneca Pharmaceuticals L.P.

Defendant

Aventis Pharmaceuticals Inc.

Defendant

Dermik Laboratories, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Bayer Corporation

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

Bristol-Myers Squibb Company

Defendant

Oncology Therapeutics Network Corp.

Defendant

Ben Venue Laboratories, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

Boehringer Ingelheim Pharmaceuticals, Inc.

Defendant

Roxane Laboratories, Inc.

Defendant

Dey, Inc.

Defendant

Eisai, Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corp.

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline, P.L.C.

Defendant

SmithKline Beecham Corporation

doing business as

Glaxosmithkline

Defendant

Hoffman-La Roche, Inc.

Defendant

Roche Laboratories, Inc.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

Janssen Pharmaceutica Products, LP

Defendant

Johnson & Johnson

Defendant

McNeil-PPC, Inc.

Defendant

Ortho Biotech Products LP

Defendant

Ortho-McNeil Pharmaceutical, Inc.

Defendant

King Pharmaceuticals, Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

Novo Nordisk Pharmaceuticals, Inc.

Defendant

Novartis Pharmaceuticals Corp.

Defendant

Sandoz, Inc.

Defendant

Organon Pharmaceuticals USA, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Greenstone, Ltd.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma, L.P.

Defendant

Reliant Pharmaceuticals

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Schering Corporation

Defendant

Warrick Pharmaceuticals Corp.

Defendant

Serono, Inc.

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

Tap Pharmaceutical Products, Inc.

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
04/19/2005	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 250 receipt number ALB000719) filed by County of Saratoga. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Exhibit(s) B# <u>3</u> Exhibit(s) C# <u>4</u> Exhibit(s) D# <u>5</u> Exhibit(s) E)(tab) (Entered: 04/20/2005)
04/19/2005		Summons Issued as to Immunex Corp., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Oncology Therapeutics Network Corp., Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., SmithKline Beecham Corporation, Hoffman-La Roche, Inc., Roche Laboratories, Inc., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Abbott Laboratories, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novo Nordisk Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Sandoz, Inc., Alcon Laboratories, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Allergan, Inc., Schering Corporation, Warrick Pharmaceuticals Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alpharma, Inc., Purepac Pharmaceutical Co., Amgen, Inc.. (tab,) (Entered: 04/20/2005)
04/19/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/24/2005 10:00 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan due by 8/15/2005. (tab) (Entered: 04/20/2005)
05/13/2005	<u>3</u>	Letter from Aaron Hovan, outside counsel for County of Saratoga requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)
05/16/2005	<u>4</u>	ORDER: Plaintiff's attorney advises the Court that this case, among others, may be subject to Multidistrict Litigation with the District of Massachusetts. Dkt. No. <u>3</u> Letter Request filed by County of Albany. Inasmuch as this case will be transferred to the District of Massachusetts, this Court adjourns the scheduled Rule 16 conference without date, and

		awaits an order from the Clerk of the Court for the District of Massachusetts officially transferring this case from this District Court to the District of Massachusetts. SO ORDERED. Signed by Judge Randolph F. Treece on 5/16/05. (Treece, Randolph) (Entered: 05/16/2005)
05/16/2005	<u>5</u>	NOTICE of filing of the CONDITIONAL TRANSFER ORDER to MDL (CTO-21) filed in the clerk's office of the Judicial Panel on Multidistrict Litigation on May 12, 2005. (15 day objection time is still in effect) (tab) (Entered: 05/17/2005)
05/19/2005	<u>6</u>	NOTICE from Judicial Panel on MDL advising of a Conditional transfer Order; This case is stayed until further notice (kcl,) (Entered: 05/19/2005)

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